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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,436	01/15/2004	Joseph E. Price III	SHM.P.US0055	5614

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,436	Applicant(s) PRICE, JOSEPH E.	
	Examiner Kenneth E Peterson	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01july04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06 may 04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 11-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 01 July 04.
2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the end of claim 5, it is not clear what is encompassed by the two parts being "complimentary" to each other.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a).

Examiner takes Official Notice that it is well known for vegetation cutting machines to have a mounting member, a head member with a passageway and an internal retaining clip in said passageway. Examples of such devices are Nakamura et al.'886 (21,22,23), Dees, Jr. et al.'227 (32,34,35 & 36) and Helmig et al.'071 (21,45,37 & 39).

None of these references has resilient tabs on the internal retaining clip that engage apertures on the mounting member. However, Examiner takes Official Notice

that it is well known to assemble vegetation trimmers using the tab-and-aperture approach. Examples of such are the patents to Araki et al.'787 (17,20), Haupt '557 (18,32) and Everts '607 (45). It would have been obvious to one of ordinary skill in the art to have replaced the screw connection between the internal retaining clips and mounting members of the known vegetation trimmers (such as Nakamura et al.'886, Dees, Jr. et al.'227 and Helmig et al.'071) with a tab-and-aperture connection, as is well known and exemplified by Araki et al.'787, Haupt '557 and Everts '607, in order to ease the assembly thereof.

In regards to claim 2, it is noted that bells come in a very wide variety of shapes.

In regards to claim 5, the two parts "compliment" each other, in that they look pretty together.

In regards to claim 9, pin pivoting blades are well known as evidenced by the above mentioned Helmig et al.'071.

5. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a), as applied above.

If one is not convinced by the above rejection, the Examiner further takes Official Notice that it is old and well known for the resilient tab to be the interior member. An example of such is the patent to Anest. If it were not already, it is now obvious to one of ordinary skill in the art to have replaced the screw connection between the internal retaining clips and mounting members of the known vegetation trimmers (such as Nakamura et al.'886, Dees, Jr. et al.'227 and Helmig et al.'071) with a tab-and-aperture

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connection, as is well known and exemplified by Anest, Araki et al.'787, Haupt '557 and Everts '607, in order to ease the assembly thereof.

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Made of record but not relied on are numerous patents showing resilient tab connections.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
August 31, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER